

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

QUANITA RHODES,)
Plaintiff,)
v.) Case No. 4:15CV1075 SNLJ
MR. BULT'S, INC. and)
RICKY DOUGLAS,)
Defendants/Third-Party Plaintiffs,)
v.)
ALEXANDER RHODES,)
Third-Party Defendant.)

MEMORANDUM AND ORDER

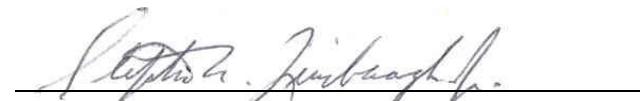
This matter is before the Court on defendant/third-party plaintiff Mr. Bult's, Inc.'s Motion for Default Judgment Against Third-Party Defendant Alexander Rhodes (ECF #30). Upon review of the Proof of Service filed by defendant/third-party plaintiff as to third-party defendant Alexander Rhodes (ECF #27), the Court finds that the proof of service is insufficient. The proof of service states that the summons was left at the individual's residence or usual place of abode with Quanita Rhodes, a person of suitable age and discretion who resides there. However, the Proof of Service further states that Quanita Rhodes claimed to not have a son named Alexander Rhodes and claimed her son's name is Alan Rhodes. Without further evidence, the proof of service filed by defendant/third-party plaintiff is insufficient to establish proof of service on third-party defendant Alexander Rhodes.

Accordingly,

IT IS HEREBY ORDERED that defendant/third-party plaintiff Mr. Bult's, Inc.'s Motion for Default Judgment Against Third-Party Defendant Alexander Rhodes (ECF #30) is **DENIED** for insufficient proof of service.

IT IS FURTHER HEREBY ORDERED that the Clerk's Entry of Default (ECF #32) is **WITHDRAWN** for insufficient proof of service.

Dated this 3rd day of December, 2015.



STEPHEN N. LIMBAUGH, JR.
UNITED STATES DISTRICT JUDGE